

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

STEPHEN N. ODURO,

Plaintiff,

-v.-

5:08-CV-0241  
(NAM/GHL)

PYROTEK, INC.,

Defendant.

---

APPEARANCES:

STEPHEN N. ODURO

Plaintiff *pro se*

111 Parkview Avenue

Syracuse, New York 13207

GEORGE H. LOWE

UNITED STATES MAGISTRATE JUDGE

**REPORT AND RECOMMENDATION**

On March 31, 2008, the undersigned issued an order noting deficiencies in Plaintiff's motion for leave to proceed *in forma pauperis*. (Dkt. No. 4.) The undersigned advised Plaintiff that unless he either paid the \$350.00 filing fee in full or filed a new, fully completed application to proceed *in forma pauperis* within thirty (30) days of the filing date of the Order, the undersigned would recommend that this action be dismissed. *Id.* The Clerk mailed the Order to Plaintiff at the address he provided to the Court, but the mail was returned as undeliverable. (Dkt. No. 5.) More than 30 days have passed and Plaintiff has not advised the Court of his new address as required by Local Rule 10.1(b)(2)<sup>1</sup>, filed a new application or paid the filing fee.

**WHEREFORE**, it is hereby

---

<sup>1</sup> "All ... *pro se* litigants must immediately notify the Court of any change of address."


**RECOMMENDED**, that the action be dismissed.

Pursuant to 28 U.S.C. § 636(b)(1), the parties have ten days within which to file written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court.

**FAILURE TO OBJECT TO THIS REPORT WITHIN TEN DAYS WILL PRECLUDE**

**APPELLATE REVIEW**. *Roldan v. Racette*, 984 F.2d 85 (2d Cir. 1993) (citing *Small v. Secretary of Health and Human Services*, 892 F.2d 15 (2d Cir. 1989)); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

Dated: June 10, 2008  
Syracuse, New York

  
George H. Lowe  
United States Magistrate Judge